DAILY CONFEDERATE.

A. M. GORMAN & Co., Propr'rs.

DAILY EDITION, for 6 months.....$25
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Supreme Court Decision.

THE STATE VS. ELLICK—A SLAVE.

At the present term of the Supreme Court, Chief Justice PEARSON, delivered the following opinion in the above case:

We concur with Mr. Eaton in the position, that from the manner in which the case was put to the jury the matter came de novo is to be considered on the testimony of the witnesses for the prisoner only—and that the testimony of his principal witness, Warrick, is to be taken in the view most favorable to him. This follows from the fact, that the Judge made a general charge and did not "declare and explain the law arising on the evidence." —State v. Sumney at this term—Gaither v Forebee, 1 Winston, 315—State v Norton, id. 303. We have then these facts: The prisoner and one Micajah, in a star light night and in the shade of trees, had a fight—Micajah got the prisoner down and then ran off. The prisoner rose up and laid his hand to his side as if he was feeling something in his coat. He then sat down on the door sill, on which the deceased was sitting—words passed between them—the prisoner got up. The deceased then rose up and reached his hands inside the door and got a stick. As he was turning around (after getting the stick) prisoner stabbed him in the left side with a bowie knife, the blade of which was nine inches long. The deceased then knocked him down with the stick—as he rose he knocked him down a second and a third time—prisoner ran off—the deceased followed him a few steps and fell and died of the wound. The bowie knife and stick are admitted to be deadly weapons. The learned counsel insisted that the offence was manslaughter, on two grounds. The act of seizing the stick with an intent instantly to strike, was an assault with a deadly weapon and amounted to legal provocation. 2. The prisoner had reasonable ground to believe that the deceased was about to do him great bodily harm, and struck to prevent it, which mitigates the offence to manslaughter. Concerning these principles of law, the court is of opinion that neither applies to this case, and that the offence is murder. There is some confusion in respect to the application of these principles of the law growing out of dicta and a few decisions to be met in the books. It is important that all confusion should be cleared away, especially in times like these, for one of the ill effects of the war is to scatter deadly weapons among the people, familiarize the public mind to scenes of blood and make a resort to such weapons a thing of frequent occurrence unless it is prevented by the fear of the law. On this account, without attempting to review the cases, which would be an endless task, I will endeavor to give the reasons on which the law is based, whereby the proper applications of its principles will be made clear.

Manslaughter is of two kinds; 1. when the killing is in heat of blood.

2. When the killing is by accident or mistake, arising from negligence or a want of due precaution.

First. If A is about to strike B who is unwilling to enter into a fight, and shows it by words or actions as by warning A not to strike, or otherwise, and A presses on and strikes or attempts to strike, and thereupon B kills with a deadly weapon, it is manslaughter; for there is a legal provocation, and the law ascribes the killing to heat of blood and not malice.

Second. If on a sudden quarrel, the parties begin a fight by consent, without deadly weapons, and after blows pass, one uses a deadly weapon and kills, it is manslaughter—for by the excitement of the fight, the blood is heated and the killing is done not of malice, but in the furor brevis, which the law, out of indulgence to man's frailty, allows to mitigate the offence, although the party had himself committed a breach of the peace by entering into the fight willingly.

Third. If on a sudden quarrel the parties fight by consent, *at the instant with deadly weapons*, and one is killed, it is not manslaughter, *provided the parties fight on equal terms, and no undue advantage is taken*—for the fairness of the fight rebuts the implication of malice, and the law mitigates this offence out of indulgence to that frailty of human nature which urges men before they have an opportunity for reflection to a compliance with those common notions of honor which forbid either party to give back and decline an offer to fight. But when the fight is not a fair one, and a party takes advantage of his adversary as by striking before he is ready and on his defence—there is nothing to rebut the implication of malice.

The example put by Foster (page 295) whose "Discourse on the law of Homicide" is recognized as an authority which settled the law, is so opposite to our case, that I will quote it: "A useth provoking language towards B, and B having his sword drawn, made a pass at A, his sword then undrawn, and therefore A is killed. This is murder; for B by making his pass, his adversary's sword undrawn, showed that he sought his blood. But had B forborne till his adversary had drawn too it would have been no more than manslaughter." Which of these principles are applicable to our case? When it is proved that one has killed intentionally with a deadly weapon, the burthen of showing justification, excuse or mitigation, is on him. It is admitted the prisoner killed intentionally with a deadly weapon—he does not show by his words or actions that he declined the fight, or gave back, or warned the deceased not to strike. So the first principle does not apply. The parties did not begin the fight without deadly weapons, so the second principle does not apply. The parties fought by consent with deadly weapons—so the case falls under the third principle, and the question is narrowed to this: Does the principle in regard to a fair fight apply, or does the case fall under the exception in regard to a fight on unequal terms and where undue advantage is taken? This is too plain for discussion. The prisoner, having his weapon ready, took his adversary at a disadvantage and stabbed him in the side while he was in the act of turning around to face him, and before he was on his defence. This dastardly act excludes the idea that he entered into the fight "in compliance to the common motives of honor," and shows that he "sought the blood" of the deceased.

The principle by which a killing with deadly weapons is mitigated, was adopted at a time when every gentleman wore a sword—and the custom was, on offence given, to draw and fight. Such fights, owing to the experteness of the combatants in defence, were not often fatal. Manners have since changed. No one in private life wears a sword, and how far this may affect the principle is a serious question—but it is certain that a fair fight at the instant with deadly weapons is now of rare occurrence. Where one has a knife and the other a stick or pistol, they are not on equal terms and the purpose of each is to take advantage and give a mortal blow as soon as possible. Such cases fall under the exception—the party killing is a murderer, and there is nothing to mitigate. It as contended by Mr. Eaton, in a mutual combat with deadly weapons, the offer to strike am unted to a legal provocation, neither party would ever be guilty of more than manslaughter—for each could say, "my adversary was about to strike with a deadly weapon." So, it would make no difference whether the fight was declined or entered into willingly, or was fair or unfair, and the law would encourage a hasty resort to deadly weapons, and an unfair use of them by saying, "you need not show that you declined the fight and attempted to avoid it," "you need not show that you took no undue advantage"—use your weapon as soon as you can and take all advantages, for if your adversary is about to strike, it is a legal provocation, although you are also about to strike, and whichever kills, will only be guilty of manslaughter!" This would lead to horrid consequences, and completely upset and confound all the principles which have been so carefully adopted, to deter men from the use of deadly weapons, and at the same time extend a reasonable indulgence to the frailty of human nature. The learned counsel did not insist with much earnestness, that the case could be brought under the second —— of manslaughter. One or two instances will show that the doctrine has no application—If one handles a loaded gun so negligently that it goes off and kills it will be excusable homicide or manslaughter, according to the degree of negligence.

2. An officer pushed abruptly and violently into a gentleman's chamber, early in the morning, to arrest him, not telling his business or using words of arrest. The gentleman not knowing that he was an officer, under the first surprise, stabbed him with his sword. It was ruled manslaughter at common law, for the prisoner not knowing the officer's business, might from his behavior, reasonably conclude that he was about to rob or murder him—Cook's case, Cro. Car. 538.

3. Upon an outcry of thieves in the night time, a person who was concealed in a closet, but no thief, in the hurry and surprise the amity was under, was stabbed in the dark—this was holden to be an innocent mistake, and rule in charge ridiculously—Levet's case, cited in Cooke's case, supra. Foster, at page 299, observes of this case, "possibly it might have been better ruled manslaughter, due circumspection not having been used." In all cases where the offence is mitigated because the party acted under a mistake for which there was reasonable ground—if the danger had been real the act would have been justifiable. In one case the danger was real—the deceased was about to strike with a deadly weapon, and if this doctrine applies, the killing was justifiable and the prisoner ought to have been acquitted—reductio ad absurdum.

The second objection to the charge is not tenable. From the view we have felt bound to take of the case, the Judge in consequence is construed as having in effect, instructed the jury, that putting the testimony of the witnesses on the part of the State out of the case, as an intentional killing with a deadly weapon was admitted, the testimony of the prisoner's witnesses did not mitigate the offence to manslaughter—and the prisoner has no reason to complain, because the instruction assumes that what his own witnesses swore to was true.

The third objection is not tenable. The position that "the principle in which the doctrine of reasonable doubt is grounded, is as much applicable to the grade of the homicide as it is to the fact of the homicide," is not true.

The error consists in not attending to the distinction, that the fact of the homicide must be proved by the State—but if proved or admitted the onus of showing justification, excuse or mitigation, is upon the prisoner—At page 290 Foster says, "whoever would shelter himself under the plea of provocation, must prove his case to the satisfaction of the jury. The presumption of law is against him till that presumption is repelled by contrary evidence." At page 255 the matter is explained at large. The principle on which the doctrine of reasonable doubt as to the fact of the homicide is grounded is, that in favor of life; the fact which the State is required to establish must be proved beyond a reasonable doubt. It certainly would not be in favor of life to apply this doctrine to matter of mitigation, which the prisoner is required to establish—hence in regard to that, the rule is, the jury must be satisfied by the testimony that the matter offered in mitigation is true.

There is no error.

WANTED.

Two ladies of experience in teaching. One well qualified to instruct in French and Music, or French and Higher English. The other, in Higher English and Mathematics. Address, stating terms and enclosing testimonials, Box 2, Warrenton N. C. dec 31-d7t*

WARRENTON FEMALE COLLEGE.

The Spring Session will begin on Wednesday, the 1st day of Feb'y 1865, and continue 20 weeks.

Prof. C. S. Peticolas, a successful teacher for more than 15 years in the City of Petersburg, will have charge of the department of Vocal and Instrumental Music. Parents intending to send their daughters will please apply at once.

Address E. E. PARHAM, Prest.
dec 31-d5t Warrenton N. C.

A TAME TING OF THE COMMISSIONERS, to open books of subscription to the capital stock of the Deep River Transportation Company, held in Raleigh on the 28th December, 1864, it appearing that more than $50 000 are subscribed by solvent subscribers, it is ordered that a meeting of the stockholders be called at the office of the R. & G. R. R. Co., in Raleigh, N. C., on the 12th January, 1865, at 4 o'clock, p. m., for the purpose of organizing the company.

Ordered further that the books of subscription be kept open until the day of meeting, at Fayetteville, under superintendence of C. B. Mallett, Esq., at Pittsboro', of E. H. Straugh, Esq., at Gulf, of Ge. Washington, Esq., at Lockville of Capt. E. Bryan, at Raleigh, of the undersigned.

By order of the Commissioners:
W. J HAWKINS, Chairman.
KEMP P BATTLE, Sec'y.
dec 31-d2t

MRS. MILLER continues to accommodate Boarders, by the day, week or month.

DAILY CONFEDERATE.

VOLUME II. } RALEIGH, N. C. MONDAY, JANUARY 2, 1865. { NUMBER 1.

PERSONALS.

RALEIGH, Dec. 30, 1864.

Messrs. Fitzgerald, Booth & Co., or W. S. Bryan, Esq., Baltimore, Md.

My Son, Lieut JOHN S. PESCUD, Adjutant 4th Battalion N. C. Junior Reserves, was captured a few days ago below Wilmington, N. C. Please look after him, supply all his wants, and charge to my account. Answer through the Richmond Enquirer or Sentinel.

P. F. PESCUD.

PETERSBURG, Va., Dec. 30, 1864.

Messrs. Jno. S. Williams & Bro., Baltimore, Md.

You will congratulate me upon being at home. Captain George is cared for.

Please look after Lieut. JOHN S. PESCUD, Adjutant 4th Battalion N. C. Junior Reserves, who was captured below Wilmington during the past week, and charge the same to the account of your Obedient Friend,

dec. 31-d3t THOS. P. BRANCH.

Richmond Enquirer and Sentinel copy 3t and procure publication in the New York News and Baltimore Sun and send bills for all to this office.

CARD NOTICE.

There is now another lot of Cotton and Wool Cards (ready for use) for distribution to Soldiers families, at $10 per pair. Agents will please call for them.

dec 30-d6t H. A. DOWD, A Q M. N. C.

FIFTY DOLLARS REWARD!

STRAYED from my residence in Raleigh, on Saturday night, a red and white COW of small size and about six years old. I will give the above reward for her delivery and pay all expenses.

dec 19-tf D. K. McRAE.

SELECT BOARDING AND DAY SCHOOL—HILLSBORO', N. C.

THE Misses Nash & Miss Kollock will resume the exercises of their School on FRIDAY, 27th JANUARY, 1865.

Circulars forwarded on application.

dec 20-d10t

OFFICE PIEDMONT RAILROAD CO.,
DANVILLE, VA. Dec 14 1864

STOCKHOLDER'S MEETING.

The Annual Meeting of the Stockholders of the Piedmont Railroad Company will be held at the office of the Company in Danville, on Wednesday, January eighteenth, 1865, at twelve o'clock M.

W. HENRY WHITE,
de 17 dt18tbj Auditor.

COUNTY SALT.

I am ready to deliver the SALT due citizens of Wake County and request them to call and get their supplies.

THOS G. WHITAKER, Agt.
Raleigh, Dec. 21 d3tw2t
Conservative copy 3 times.

A DESIRABLE RESIDENCE FOR RENT.

The Commodious and desirable residence of Mr F. P. Haywood, near the city of Raleigh, known as Silver Springs, with three hundred acres of land adjoining, is offered for the ensuing year. Apply to TUCKER, ANDREWS & CO.
dec 23-d6t Raleigh, N. C.

NOTICE.

PUBLIC SALE OF NEGROES.

The Subscriber will sell at public auction on Thursday 5th day of January 1865, at the Court House in Warrenton, for cash, thirteen likely negroes belonging to the estate of Miss Antoinette H. Spruill deceased. Among them three good men, three likely young girls, a boy thirteen years old and two women and young children. They are sold for no fault, but a distribution of the proceeds among the legatees, as they do not need them.

E. W. BEST.
Agent for the legatees.

Warrenton Dec. 14 1864.

At the same time and place will be sold two likely young men for cash,

dec. 28 d8t.* E. W. BEST.

NOTICE.

Having qualified as Executrix of the estate of SAMUEL MOORE deceased, notice is hereby given to all persons indebted to the estate, to come forward and settle the same, and all persons having claims against the estate, will please present them within the time prescribed by law, or this notice will be plead in bar of their recovery.

Mr. Moore contributed $500 to the Wake Forest College, some 7 or 8 years ago for which amount he gave his note. The holder of the note will please present it to me, or Mr. Thomas H. Holt, Haw River Post Office, N. C. who will settle the same.

MARY A. MOORE,
Exct. of Sam'l Moore dec'd.
dec 28 d8t.* Madison N. C.

IRON! IRON!

The Lockville Mining and Manufacturing Co. are now making Iron of the best quality for plantation purposes, and will exchange the same with farmers and others for scrap Iron, negro-labour and provisions—Iron now ready for delivery at the works in Chatham County, We can also deliver in Raleigh or at any of the Stations on the Raleigh & Gaston or N. C. Railroads. Address the undersigned at Raleigh, or W. S Downer Sup't Egypt, Chatham County. We will now receive orders for Car Wheels, Locomotive tires and heavy castings. W. J. HAWKINS,
dec. 28 d-tf. Prest. L. M. & M. Co.

OVERSEER WANTED.

By the undersigned, to take charge of a Plantation in Franklin County. He must be an *exempt*, must have a small family only, must be *willing* to obey orders and to give his whole time and attention to my business. A disabled soldier prefered. Apply to

H. K. BURGWYN,
Garysburg N. C.
dec. 28-d5t-tw3t.

$50 REWARD.

For boy DANIEL, dark complexion, 5 feet 6 inches high. Said boy was recently purchased in Augusta Geo., for the Lockville Mining and Manufacturing Co. He ran off from the Ender Iron Works in Chatham County on Saturday the 15th December, 1864. The above reward will be paid for his apprehension and lodgement in jail.

W. J HAWKINS,
President Lockville M & M. Co.
dec. 28 d4w.

HDQR'S. 4th REG'T HOME GUARDS,
DEC 21st, 1864.

All officers and men belonging to this Regiment, who are now absent by reason of furlough from the Medical Examining Board or otherwise will report promptly at the expiration of their furloughs or they will be considered and treated as deserters.

Commanding officers of battalions in the counties to which the above belong will forward them in due time.

T. H. BREM,
OFFICIAL: Lieut. Col. Commanding.
FRANK A BOND dec. 29-d3t.
Maj. & A. A. G., S. A.

OFFICIAL.

POST Q. M. OFFICE, C. S. A.,
Salisbury, Dec. 17, 1864.

SAWYER WANTED.

A competent Sawyer is wanted to take charge of a Steam Saw Mill, situated on the Western N. C. Railroad. A good machinist, fully able to take charge of a large mill running exclusively for the Government, can hear of a good situation, if exempt or can be detailed, by applying to

JAS. M. GOODMAN,
dec 20-d1m Capt. & Post Q. M.

POST QUARTERMASTER'S OFFICE C. S. A.,
Salisbury, N. C., Dec. 17, 1864.

NEGROES WANTED.

THIS Department wishes to hire for the ensuing year:

(4) Four Blacksmiths,
(6) Six Carpenters,
(2) Two Wheelwrights,
(70) Seventy Wood Cutters and Laborers,

for which will be paid a liberal price.

They will be well fed and supplied with good clothing. Those having able bodied negro men to hire, may find it to their advantage to address

JAS. M GOODMAN,
dec 20-d1m Capt. & Post Q. M.

TREASURY DEPARTMENT,
CONFEDERATE STATES OF AMERICA,
RICHMOND, November 28 1865.

THE holders and owners of coupon Bonds and Certificates of Stock issued under the act of August 19th, 1861, redeemable after the 1st day of January and July, 1864, are hereby notified to present the same for payment to the Treasurer, one of the Assistant Treasurers, or a Pay Depositary of the Confederate States, funds having been placed in the hands of these officers for the purpose of redeeming said bonds and stock. No interest will be allowed thereon after January first, 1866.

de 13 taw2m G. A. TRENHOLM,
Secretary of Treasury.

TREASURY DEPT., C. S. A.,
RICHMOND Dec. 1. 1864.

SEVEN-THIRTY TREASURY NOTES.

In pursuance of an act of Congress, approved November 28th, 1864, entitled "An act to authorize the Secretary of the Treasury to exchange coupon bonds for seven-thirty Treasury notes," holders of such notes are hereby notified, that after the payment of the annual interest due them on the first day of January, 1865, upon presentation of the same, the Treasurer, Assistant Treasurer, and Pay Depositaries—as designated at first—will issue certificates therefor, which will entitle the holders to coupon bonds payable thirty years after the first day of January, 1865 bearing six per cent. interest from said first of January, 1865, payable on the first days of January and July in each year.

The Treasurer Assistant Treasurers and Depositaries, will make weekly reports to the Register of the Treasurer of such certificates issued at their offices; whereupon, bonds will be sent forward in satisfaction of same. The notes will be cancelled in the usual manner, and forwarded to the First Auditor.

G. A. TRENHOLM,
Secretary of the Treasury.

Treasurer at Richmond, Va.
Assistant Treasurers at Charleston and Mobile.
Depositaries at Raleigh and Wilmington, N. Carolina.
Depositaries at Charleston and Columbia, S. Carolina.
Depositaries at Savannah and Augusta, Georgia.
Depositaries at Tallahassee, Fla., and Montgomery, Ala.
Depositaries at Columbus, Miss., and Houston and Marshall, Texas.
dec 6 3taw2m

TREASURY DEPARTMENT,
RICHMOND, VA., Nov. 28 1864.

NOTICE is hereby given to holders and owners of certificates of Stock and Coupon Bonds issued under the act of August 19, 1861; redeemable after the first day of January, 1865, to present the same for payment on the SECOND DAY OF JANUARY, or at any time thereafter, to the Treasurer of the Confederate States, one of the Assistant Treasurers of the Confederate States, or a Pay Depositary of the Confederate States, funds having been placed in the hands of said agents for the purpose of redeeming such stock and coupon bonds. No interest will be allowed on such stock and coupon bonds after January first, 1865.

G. A. TRENHOLM,
de 13-taw2m Secretary of Treasury.

TREASURY DEPARTMENT OF N. C.
Raleigh, Dec. 16 h. 1864.

SALE OF N. C. BONDS,

Sealed proposals will be received at this Department till 12 o'clock M. on the 2d January next, for the purchase of North Carolina State Bonds to the amount of $500,000, bearing 6 per cent., interest with Coupons, payable semi-annually; principal payable 1st January 1883.

The proposals should be endorsed "bid for State Bonds."

I reserve the right to reject bids below what I may deem it advantageous to the State to accept.

The bids must be for $500, or the multiple of $500. JONATHAN WORTH,
de 17 dt2dJ Pub. Treasurer.

BY TUCKER, ANDREWS & Co.,

AT AUCTION, JANUARY 4th, 1865.

2 No. 1 Wagon Horses.
dec. 30-d2t

LOST;

A Certificate of stock of the Merchants, Bank, for 45 Shares, dated March 26th 1864. All persons are warned not to trade for the same, as application has been made for the issue of another certificate. C. S. PRIMROSE.
dec. 0-d1w*

FIFTY BOXES CAROLINA BELLE SNUFF.

FOR SALE BY.
KINSEY & WARE.
Raleigh, Dec. 22, 1864. dec 23-dtf

D. C. MURRAY & CO.,

AUCTION & COMMISSION MERCHANTS,
FAYETTEVILLE STREET, RALEIGH N. C.,

Will attend promptly to all business entrusted to them.

Their Store rooms are large and secure. Sales room the Store formerly occupied by H. L. Evans, next door to Messrs. Creech & Litchford, and immediately opposite the State Quartermaster's Department.

D. C. MURRAY.
JAS. A. MOORE
J. W. HARRISON.
December 30, 1864—dtf.

BLADDERS! BLADDERS!

WANTED A QUANTITY OF BEEF AND Leg bladders. Will pay twenty-five cents each for them.

They may be delivered green or inflated and dried, to A. McLaclin, Goldsboro'; A. Miller, Clayton, or to H. J. B. Clark, at Graham, N. C.
dec. 30-d12t

NOTICE.

W. H. CROW, Agent for the Neuse Paper Mill Company, will pay the highest market price for Rags and Damaged Cotton. Persons having either for sale will please call at the office formerly occupied by General Haywood, Raleigh, N. C.
dec 21-dlm

NOTICE.

WE HAVE FOR SALE ON REASONABLE terms at Greensboro',
5,000 bushels Cotton Yarn.
1,000 boxes Tobacco.

CYRUS P. MENDENHALL,
Prest. N. C. Y. N. C.
Greensboro', N. C., Dec. 29, 1864. d12t

FRENCH HOOP SKIRTS

For Sale by
KINSEY & WARE.
dec. 28-d-tf. Raleigh N. C.

FOR RENT.

A Lot with good Dwelling House and necessary out buildings in Louisburg. Apply to W. W. Jones, Louisburg.

A. D. WILLIAMS,
dec. 28 d4t. Guardain.

WANTED FOR THE ENSUING YEAR

A Female Teacher accomplished in Music, who can sing and play well on the Piano, and is also qualified to teach the various English Branches, and French and Latin.

Pupils will not exceed ten. Applicants, can state their terms. Address.

WM. H. PONTON.
dec. 28 d4t* Weldon N. C.
Fayetteville Observer copy three times and send bill to this office.

FOR SALE.

A No, 1 English "HUNTER'S WATCH"—Gold—made on chronometer principles by Bennett of Cheapside, London, manufacturer of chronometers for the English Navy. The watch is in perfect order, new and with an elegant gold chain, seal, &c. Apply to

TUCKER, ANDREWS & Co.

AUCTION AND COMMISSION STORE,
WARRENTON, N. C.

Strict attention given to the sale of all kinds of Merchandise, Produce, &c. B. F. POWELL.

REFERS TO
W. B. Hamilton & Son, Mobile, Ala.
Bacon & Baskerville, Richmond Va.
R. H Hamilton, Petersburg, Va.
Creech & Litchford, Raleigh, N. C.
dec 23-d6t

NOTICE.

HAVING qualified as administrator of the estate of O. H. Foster, deceased, I propose to sell his interest in the Chatam Copper Mine, near Deep River. This interest gave him an exemption from the war and will, no doubt, entitle the purchaser to the same privilege. Persons wishing to buy can address me at Henderson, Granville county, N. C. PRC. E. A. JONES,
dec 22 d12t Administrator.

NORTH CAROLINA VOLUNTEER NAVY COMPANY.

Since our Agent has gone abroad to purchase a Vessel for the Company, frequent inquiries have been made, and a disposition manifested on the part of the public, to further subscribe to the Capital Stock of the North Carolina Volunteer Navy. It was therefore ordered by the Board of Directors at a meeting held in the town of Greensboro' on the first instant, that the books of the Company be reopened for further subscription to the Capital Stock, and remain open until the annual meeting of the Stockholders to be held in the city of Raleigh, on the 2d Thursday in January next, and notice is hereby given to the Stockholders generally, that business of great importance to the Company will be brought before this approaching meeting in January, and a full attendance is expected either in person or by proxy.

CYRUS P. MENDENHALL,
de 16 d12t President.
Conservative, Wilmington Journal, Salisbury Watchman and Charlotte Bulletin copy two weeks.

THE CHURCH INTELLIGENCER,

DEVOTED TO THE INTERESTS OF THE PROTESTANT EPISCOPAL CHURCH IN THE CONFEDERATE STATES,

is now published by the

PROTESTANT EPISCOPAL CHURCH PUBLISHING ASSOCIATION IN CHARLOTTE, NORTH CAROLINA.

REV. F. M. HUBBARD, D. D., } EDITORS.
REV. C. M. EVERHART, A. M., }

TERMS OF SUBSCRIPTION—CASH IN ADVANCE:

For three months.....$ 5
For six months..... 10
For one year..... 20

*** For Army or Hospital distribution, a deduction of twenty-five per cent.

*** All communications should be addressed, Church Intelligencer, Charlotte N. C."
nov 1-d2t

HEADQUARTERS, RESERVE, N. C.,
RALEIGH, N. C., Dec. 19, 1864.
GENERAL ORDERS, No. 22.

I. Surgeon Thos. Hill, P. A. C. S., having, in obedience to Special Orders No. 273, Par. II, A. & I. G. O., current series reported at these Headquarters, is assigned to duty as Chief Surgeon Reserve, N. C., and will be obeyed and respected accordingly.

II.—All Medical Officers serving with Reserves in this State, will at once report, by letter, to Surgeon Hill, and forward to him requisitions for such medicines and other supplies as are necessary.

By command of Lieut. Gen. HOLMES,
JNO. W. HINSDALE,
de 28 d5t A. A. Gen'l.

AUCTION SALES.

JANUARY 4th 1865

One Negro Girl 18 years old,
One child 3 " old, and
The woman is a good, House Servant Washer and Ironer.
One Negro Woman 30 years old and
Child 3 months old
A number to be added to the Sale, by Sale day
Four Hogsheads of fine leaf Tobacco
One Fine Parlor Stove
Four Boxes Snuff
And a great many other articles added by Sale day.

TUCKER, ANDREWS & CO.,
dec 28-d4t Aucts. & Com. Merchants.

100 NEGRO MEN WANTED!

The Gorgas Mining and Manufacturing Company want to hire one hundred good hands, to work at their Factories on Deep River, in Chatham county, N. C. The locality is a safe one. Liberal wages paid. Apply to W. E. Brodie, Gen. Sup't at Gorgas, Chatham county, N. C., or to J. A. Heck, President, Raleigh, N. C.

P. S. They also want 25 negro carpenters and 15 negro blacksmiths. dec. 30-d12t

DAILY CONFEDERATE.

ADVERTISING.

ADVERTISEMENTS will be inserted at THREE DOLLARS per square of ten lines (or less) for each insertion. Marriage notices and Obituaries will be charged as advertisements.

JOB WORK of every description will be executed at this Office with dispatch, and as neatly as can be done in the Southern Confederacy.

OXFORD FEMALE COLLEGE.

The 28th Session will open on Monday, the 9th of January, and close on Thursday the 25th of May, 1865.

It is important for students to be present on the first day of the session.

J. H. MILLS,
de 13-12t* Oxford, N. C.

SUPREME COURT REPORTS.

The Reports of Cases at Law, Argued and Determined in the Supreme Court of N. C., June Term, 1864, No. 2. Volume I, Equity Cases, No. 1, Vol. 1; reported by P. H. Winston, Esq.

Price of No. II, $12.50; No. I, $7,50. Orders solicited from the Profession. Those who have already ordered from Mr. W. will remit payment to the subscriber. A. R. RAVEN,
Raleigh, Oct. 27, 1864.—dtf Agent.

HIDES! HIDES!!

The undersigned returns his acknowledgements for the extensive patronage he has heretofore received at the hands of the people; and earnestly solicits a continuance thereof. Owing to the high prices of oil and tallow, I am compelled to "change my base," and will in future tan all hides for one third; which will be sold at the market price. Tanning done for indigent soldiers free of charge as heretofore, and those able to pay, can get their hides tanned at 50 cents per pound.

All persons who have hides in my yard will be informed when their leather is ready.

J. ROBT. JEFFREYS,
nov 18-tf Pacific P. O., R. & G. R. R.

HILLSBORO', N. C., MILITARY ACADEMY.

THE SEVENTH ACADEMIC YEAR of this Institution will commence on WEDNESDAY FEBRUARY 1st, 1865.

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oct 1-d4m Superintendent

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de 16 d13 Principal.

NEGRO HIRING.

AT the Market House in Raleigh, on MONDAY, 2d day of January, I will hire out for the ensuing year, to the highest bidder, the Negroes belonging to the estate of Genl. L. O'B. Branch. They consist of men, women, boys and girls.

Terms made known on day of hiring.

Persons having them in possession will please deliver them by the 27th December, as I wish to have them divided among the heirs previous to hiring them out.

dec 21-tf W. A. BLOUNT, Jr., Adm'r.

$1,000 REWARD.

STOLEN,

FROM my Office, on the night of the 24th November, viz: my BOOK OF ACCOUNTS settled and unsettled, for the years '63 and '64. It is a large Ledger and contains all the charges for my professional labors during the above mentioned period of time. It cannot, under any circumstances, be of service to another save for its leather cover and remaining blank leaves, while it is of incalculable value to me.

I will give One Thousand Dollars reward for the recovery of it, and no questions asked.

dec 9-tf CHAS. E. JOHNSON.

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The next session will begin at Mebanceville on the N. C. R. R., Feb. 1st, 1865. While the old course has been retained, extensive additions have been made, with a view to making *good soldiers* as well as good scholars.

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ON THE FIRST DAY OF JANUARY next, at the Store formerly occupied by C. W. D. Hutchings, on Fayetteville street, in the city of Raleigh, the subscribers will establish an

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dec 19 dtf W. F. ASKEW & CO.

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The first Session of this Institution will commence the 1st of February, 1865. Applications for admission must be made prior to the 1st January, 1865; about which time the terms will be made known. Address

MAJ. WM. A. BANKS,
oct 24-w&dtf Superintendent.

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oct 27 dtf Rev. A. R. RAVEN.

Daily Confederate.

D. K. McRAE, | A. M. GORMAN
EDITORS.

☞ All letters on business of the Office, to be directed to A. M. GORMAN & CO. ☜

MONDAY, JANUARY 2, 1865.

As we anticipated in November, the question of employing the negro as soldiers, and to aid in fighting for his and our homes, is being forced upon the President and upon Congress. It is the developing opinion of the army and people, that our arms-bearing class, or rather a class capable of bearing arms, and interested in the struggle—should bear their part in the conflict.

President Davis, in the opening of Congress, confined himself to the recommendation that forty thousand negroes should be used as an engineer and pioneer force, and as teamsters and in other camp occupations. It is now seen that there is demand for a greater number, and for the more immediate engagement as *soldiers*

Gen. Lee in a letter to Mr. Miles, chairman of the Military Committee, has given to the question the imposing sanction of his great name. By him the question is placed in one single light—which illustrates the necessity and the policy of using the negro as soldiers, better than all the logic of metaphysicians or philosophers. We *must use the negroes on our side, or the enemy will use them against us.* They have been so used now for a long time, and with great help to our adversaries and to our great disadvantage. And as the numbers of soldiers diminish in our ranks and are increased in those of the enemy, he will overun more territory and accumulate from the black material a still more overbearing superiority. The necessity being thus stated, the policy might be left to rest as a matter of experiment—and surely the experiment is worth the trial. But Gen. Lee has been a close observer of men. His wonderful adaptation for the control of men as displayed in the signal ability with which he has conducted our armies, entitles his opinion to be regarded as authority. Having observed the negroes about the army, studied their temper, habits, disposition and character, he is prepared to vouch for not only their capacity for military duties, but to risk their fidelity in the discharge of them.

Beset by peril and struggling for life, the fate of the Confederacy rests upon the Congress and the Legislatures of States. Our cause may be saved if wisdom and vigor and prompt action shall be substituted for discussion and dissension. What is to be done, must be done quickly. We copy below an article from the Richmond *Enquirer*, and invite to it the careful consideration of our readers:

Mr. Lincoln wants more men, and calls for 300,000—to make up the deficit of 200,000 due on the last call. He was withheld this call until successes have greatly raised the spirit of his people, and promise, in their opinion, a speedy and successful termination of the war. He will easily get these 300,000 men; that may be accepted as certain. Already the armies of the enemy outnumber ours largely, and, with these 300,000, the superiority will be greatly increased. What are we doing to meet this increase of force on the part of the enemy? The 40,000 pioneer and engineer troops recommended by the President have not yet been authorized by the Congress. What are our authorities thinking about? Are they waiting for the Polish contingent?

It is high time that the negro conscription bill was under discussion; it is too much to hope that such a measure will not elicit strong opposition and long discussion. But opposition is being speedily silenced by the progress of the enemy. Men are beginning to see that this war cannot be conducted successfully on our part if negroes and slavery are permitted to stand in the way of national existence. The people understand now that the issue is, between using the negroes ourselves and permitting the enemy to use them against us. That is the way Gen. Lee states the question to Mr. Miles. And it is certainly stating the question very strongly. Sherman has already recruited his army by seven thousand—which being taken from us and added to the enemy, is equivalent to fourteen thousand.

Subjugation and reconstruction alike involve abolition, and submission must be made with the same primary condition. Slavery is, therefore, hopelessly and eternally dead, upon any issue of the war, except that of our success; and our success is equally hopeless without additional men. Can the white population furnish the men necessary to restore the army to relative equality with that of the enemy? We do not believe it can. Where, then, must the men come from? Gen. Lee suggests to his countrymen the employment of the slaves, but the objection to the proposition is, that it involves ultimately abolition. This may be and may not be true. But if it does involve abolition, shall we hesitate to adopt it, when abolition is involved in our defeat; not only abolition, but confiscation of all other property, and the establishment of negro *superiority* over the Southern white man?

Already the dominant party in the United States have a majority of two-thirds in the Congress in favor of an amendment of the Constitution prohibiting slavery in the States, and while Southern men hold that no majority, however large, can constitutionally abolish slavery, yet no party in the United States holds that principle; and the Constitution, once changed and slavery abolished, no terms of re-union, which embraced slavery, would have any support in the United States, and the war would necessarily be continued until the Southern States were conquered and deprived of all voice by conquest, or submitted to the altered Constitution. Those men among us, if any these be, who desire reconstruction rather than the employment of the slaves in the army, with the hope that they would preserve their negroes, may reflect on this fact with profit to their country, and satisfy themselves that the preservation of slavery by re-union or reconstruction is impossible.

If unable to keep up the aggregate of the armies by supplying their loss with new recruits, it is only a question of time when those armies will be unable to keep the field again the enemy. When that day arrives our cau is not lost, but slavery and our slaves are gone. Thus, long before we are subjugated, long before our armies are destroyed, long before the spirit of our people is broken, the enemy may, and, perhaps, will have, overrun the country, and carried off the slaves, or organized and armed them against their masters. Thus, Gen. Lee was right when he said: We must decide between using our negroes or seeing them used against us.

Another objection is, that the employment of negroes in the army will so much reduce the labor of the country as to materially lessen the supplies necessary for the maintenance of the army and the people. But, on the contrary, we believe that with the conscription of 150,000 negroes, the present remorseless conscription of the whites may be very much modified; and one white man at home is worth "fifteen negroes," according to the principle of the present conscript law.

If we were confident and certain that the employment of the negroes involved the abolition of slavery, we could not but advocate its adoption. For, with or without slavery, we shall oppose both subjugation and submission. And convinced that the ultimate effects of this measure will be the abolition of the institution, it would be the part of wisdom for the people of the States to anticipate those effects, and, proclaiming to the world their earnest and resolute purpose to be forever free from Yankee domination, abolish the institution forthwith.

We are aware that all the principles and prejudices of the people oppose anything that approaches abolition, but frankness of discussion must be permitted when beset by such evils as now endanger our cause. The defeat of Gen. Hood, and the loss of Savannah, are two events in the war, which may or may not involve the safety of our country, according as our authorities act upon them. But the diminished aggregate of our armies is the cause which produced those events, and unless that aggregate is brought up to the proportion which our armies in 1862 held to those of the enemy, these disasters cannot be remedied by similar ones presented in future. If the white population cannot furnish the recruits, then the people must decide between disaster upon disaster, and the recruiting of the army with the negroes. And they must consider and discuss this question, giving due weight to the objection that it may ultimately involve abolition.

We assume that it is a fact that the people of these States prefer independence to re-union upon *any terms*; that for independence they are willing to make any and every sacrifice; are ready to give up slavery and slaves, as freely as they have laid their noble sons upon the altar of their country; that no pledges or promises, and no constitutional guarantees would induce them to return to the Union; but that the blessings of self government and the glories of nationality are the real objects for which they have made their unparalleled sacrifices, and for which they are yet willing to suffer on and sacrifice all. If these are not violent assumptions, and as for the people of Virginia, *we know they are not*, then let us turn our attention to the consideration of how we may best use slavery to advance the cause of nationality and self government.

It is a remarkable fact, that Savannah has been captured in every war that has taken place on this continent, from the Revolution inclusive. It was taken by the British in 1778 from Florida, the paths through the swamps having been betrayed by negroes or a negro. The next year it was besieged by a combined French and American force, land and naval. General Lincoln commanded the American army, and the Count d'Estaing the French fleet. An attempt was made to storm the works. It failed, and Count Pulaski was killed. The French and American commanders quarreled, the siege was raised, and the French sailed back to the West Indies, while the Americans *marched* back to Charleston, where, some months later, they were all taken prisoners. Savannah remained in possession of the British to the close of the war. At the commencement of the war of 1812, it was again taken by the British.

In a military point of view, Savannah was of no value to us whatever. As a port, it had been blockaded for two years. The moral effect is all that the enemy have gained, and that is not much.

Furious Bombarding.

The Wilmington *Journal* is of the opinion that there were over twenty thousand shells thrown into Fort Fisher in the recent bombardment. It says, "for hours they averaged over thirty a minute, as they well might from so many ships and guns. Sometimes we think they fired even faster than this.

The failure of the Yankees seems to have been one of the most complete in the whole history of the war. They were foiled as neatly as could well be imagined, and the best of the things is, that there can be no wrangling over the honors. It was all done by North Carolina troops under their own trusted leaders, for Col. Lamb, although a Virginian by birth, is the chosen Colonel of a North Carolina regiment, and Gen Whiting has his home here, while Gen. Braig, Gen. Hoke, Gen. Kirkland and others are native and to the manor born. Other gallant men, natives or citizens of other States, were no doubt hastening to our aid, but it so happens that North Carolinans alone were at any time engaged.

Yesterday, New Year's day, was a beautiful day—bright, bracing and invigorating.—May it be the omen of a bright and glorious era in our country's history, upon which we are entering; and that 1865 will be a bracing, invigorating period to our people, before the end of which peace and independence shall shed their bright rays upon us.

We regret to learn, that the report of the surrender of his Battalion of Junior Reserves by Major Reese, is but too true, and that too under circumstances very damaging to his reputation. All the facts will doubtless soon be published. We understand that one Captain flatly refused to be surrendered, and marched out with eighteen of his Company.

See Advertisement of Desirable Property for sale. Also Auction Sales on Wednesday.

Sherman's Movements.

The Richmond *Whig* has the following facetious article under the above heading, which may turn out to be more truthful than amusing. We copy it for two reasons. First, because it marks out the probable course that the "conqueror of Georgia" will attempt to pursue; and secondly, that the people of the interior of North Carolina, apprised of the contemplated movement, may prepare to meet the arrogant invader and crush him, as we are abundantly able to do, if the people at home in North Carolina have the nerve to protect their homes, their wives and children, and save them the desecration and outrage that the infamous Sherman visited upon the people of Georgia, in his triumphal march through that State. We feel no disposition to cast reproach upon the people of Georgia, that Sherman was allowed to pass from the mountains to the seaboard, unresisted, comparatively, by the people at home. Their humiliation and sufferings tell but too plainly upon themselves of the suicidal course pursued; and they confess, alas! too late, to the mistake they have made, of which the blackened and charred remains of burnt homesteads, and the ruin and desolation left in his track, bear unmistakable testimony. In the hope of saving *something*, they have lost ALL! Property, character, State pride—*all* ALL. Smarting under the wrongs and outrages they have endured, they confess their folly, and the people of Georgia *now* say, were the thing to go over again, Sherman's march through the State would be a very different one from what it was.

We have had citizens of Georgia to call upon us and relate the humiliation they feel on account of Sherman's successful passage through the State, and to assure us that *now* they feel confident that *half an effort* would have been successful in turning Sherman back upon Atlanta, if not the capture of his entire army.

South Carolina and North Carolina are, it seems by the programme laid down by Sherman, now to be put to the test. Will they permit him, as Georgia has done, to traverse those States unobstructed and unresisted?—We think we can safely say *they will not!*—Then let a grand rally be made for our defence. Should Sherman advance to Branchville, in South Carolina, there is the place for the two Carolinas to unite and deal him such a blow as will turn the laurels of victory to ashes of death upon his lips, and crown the two States with imperishable heroism and renown. Let the people of the two States resolve that *we can*, and WE WILL.

The following is the article from the *Whig*:

Sherman has consented to gratify General Lee. He announces, in his own inimitable manner, that "the sun goes North on the 21st, and by that time I shall go North too."—This is playing Joshua, with a slight variation. The sun stood still at the Hebrew chieftain's bidding, but the Yankee warrior, more complaisant and perhaps less potent, consents to follow the sun. Well, let him come. He is the very genius we desire to see, and he brings with him some thousands of those Western braves whose mettle we desire to test, for Grant has with him only some seven thousand veterans, and the rest are the riff raff of creation, to defeat whom is no honor. Let Sherman, then, come on with his host of Occidental Invincibles; we will soon have him in the position he claimed Hood was, "just where he (we) want him."

He does not tell us his programme, or what cities he intends to conquer before he winds up with Lee as a *bon bouche*. Doubtless he will not leave Charleston behind him.—The glory of conquering the birth-place of Secession is an incentive too powerful to be withstood by this doughty warrior. As for Wilmington, he will leave that to General Beast Butler, reserving in his own mind the right of conquest provided the Beast find Bragg too hard a nut to crack. His main column, therefore will march along the coast, clearing away impediments and keeping within co-operation distance of the fleet. Nothing more easy than this to the omnipotent Sherman.

But he is too polite a man to neglect the Capital of the Spartan little State of South Carolina. He will detach a column to pay his respects to Columbia, just as he did to Milledgeville. Mules and negroes in plenty, and perhaps Yankee prisoners, he hopes to find, and drag to the embrace of the Union.—An easy job, this, to a master of War, as is Mr. Sherman. Nor will he slight Raleigh and his friend Holden. In fact, it would be doing him great injustice to suppose that he will be wanting in courtesy to any considerable town in the interior of North Carolina. Far too polite a gentleman for that, is Gen. Sherman. While his hand is in, he will capture all the towns between Savannah and Richmond—Why not? Nothing is more easy to the redoubtable Sherman.

He promised to devastate and desolate as he advances, and to leave behind him a blackened waste extending from Chattanooga to the Capital of the Southern Confederacy. In proof of this he delays his departure from Savannah for a few days in order that he may destroy the Albany Railroad—a piece of pure wantonness and vandalism. All this will the remarkable General Sherman do, and that within a brief space of time; for what can resist the irresistible Sherman, and what is the use of prolonging the war into another campaign? Why not close it up by the 4th of next March—the blessed anniversary of the inauguration of Abraham?

Such, in all probability are the schemes of this ambitious creature, who is, perhaps, even now, on his march in this direction. Unfortunately—for we are exceedingly impatient to celebrate in the good city of Richmond the advent of the conquering hero—there are many miles of water between this goal of his ambition and the point of his departure. Also, there is a soldier of the name of Hardee, and another of the name of Beauregard, both of whom are disposed to dispute Mr. Sherman's triumphal progress. Last of all, when he reaches Richmond, he will find at its portal a man who has never been run over, well known as Gen. Robert E. Lee. Even if he bring with him his army, uninjured by Beauregard and Hardee, and the army of Thomas to his own army, and thereadd both armies to the army of Grant, the combination will not be more formidable in numbers than that which was arrayed against Richmond last Spring. Lee was able to resist the one combination; what reason is there to doubt that he will be able to resist the other. We very much fear that the reception of Sherman at the gates of Richmond will be, to say the least, uncivil.—Nay, we are apprehensive that Lee's treatment of him will be so rough as to compel him to consult the solstitial movements as to the best method of continuing his journey still further Northward and of leaving Richmond in the lurch. Which would be a disappointment to us and a chagrin to the wonderful Sherman.

From Savannah.

The Charleston papers of the 28th, say it is reported that Sherman has sent a force from his army around to the assistance of Foster's troops on the Coosawhatchie. The enemy's batteries in that quarter have increased, as evidenced by the continuous shelling of the railroad, doing, however, very little damage. Our cavalry continued to scour the country around Hardeeville. In other respects affairs in that quarter are unchanged.

A gentleman from Savannah, states that Sherman has sent about three regiments into the city as a guard. The remainder of his army is encamped outside the city. Sherman, it was stated, had offered the Mayor every assistance in preserving order, and has stationed guards for the protection of private houses, stores and public buildings. So far as our informant had observed, citizens were unmolested and all private property respected.

Our informant states that Sherman demanded the surrender of the city of Savannah unconditionally, stating that if complied with favorable terms would be shown to the garrison, but if not, that he would proceed to take it either by assault, investment, or the most sure process of starvation; and if taken in that manner, no quarter would be given to the garrison, nor would he be responsible for the conduct of his troops. He afterwards sent a copy of General Hood's demand for the surrender of Dalton.

Sherman's Inspector General, who was bearer of the flag of truce with this, informed one of our officers, Captain Macbeth, that Sherman came very near being killed a day or two previous, by a fragment of shell from our side. His body servant was killed and Sherman barely escaped by dodging behind a rock.

A gentleman who visited Savannah last Sunday under flag of truce, says everything is perfectly quiet in the city, and that a number of steamboats swarmed in the river, something like old times.

Private property has been respected, and nothing has been burnt in the city except Mr. Wilkins' Ship Yard and Mr. Robert's Mills.

The city is to be garrisoned with negro troops under the command of Foster.

Gen. Sherman has by an order refused to receive any more flags of truce from subordinate officers, and says if his boats running on the river are fired into, he will force every citizen in the city to leave it immediately.

In addition to the above we copy from the *Mercury* of the 17th the following in reference to the policy of Sherman:

Sherman is evidently driving to conciliate the people of Savannah. At all buildings, whether public or private, where there has been any apprehension of trouble, he has stationed a guard, and in other respects he seems doing his best to reconcile the community to their yoke. He does not, however, express any such disposition towards the South Carolinians, on whom neither he nor his subordinates ever lose an opportunity of vowing vengeance, dire and insatiable.

A summary of the actual facts of the operations ending with last Sunday night, in Tennessee, appears to us, as nearly as we can approximate to the truth, to be, in general, this: The first day's battle resulted, on the whole, in a Federal repulse. Hood, having held his ground during the day, sent back the wounded, who, both friend and foe, had fallen within his lines, to Franklin. Having rested during the night in another position, he was attacked next day. His assailants, successful perhaps at a few points, and unsuccessful at others, he maintained on the whole, his position of the morning. Again, having sent back the wounded who had fallen into his hands, Federal and Confederate, he withdrew during the night. His losses during the two days, in killed and wounded, cannot, with the insight given us into his hospitals at Franklin, be supposed to have exceeded twenty five hundred men. When three thousand is confessed in the bulletins as the Federal losses on those days, we think we are not incorrect in setting them down at double that number. Shattered by this terrible exhaustion of numbers and muscle, Thomas advanced languidly; but from the close of the second day's battle, does not appear to have come up so close as to have again drawn the fire of the retreating Confederates. Cavalry collisions between the advance of one army and the retreat of the other may have taken place since the 16th; but these, however they may have answered the purpose of keeping up an excitement of the popular mind, amounted, we presume, to very little in actual loss or gain. Up to this point we can see some light leading to truth, but confess that we lose it altogether when considering those wonderful stories of captures of guns by the score, and of prisoners by almost tens of thousand. On these points we know not how much of the statements made may be held to be more worthy of belief than a—bulletin.

The foregoing is from the New York Daily *News*. The truth with regard to Hood begins to "leak out."

SUPREME COURT.—Opinions have been delivered in the following cases:

By PEARSON, C. J. In Patrick *v* Carr, in equity, from Greene, demurrer sustained, bill dismissed. In Coley *v.* Ballance, in equity, from Wayne, directing decree accordingly.—In Jones *v.* Clark, in equity from Edgecombe; error—order reversed.

By BATTLE, J. In Wood's case (*habeas corpus*) order reversed, petitioner discharged. In G. H. Clark's case; same. In Blanch *v.* Goodwin, from Halifax, judgment reversed and judgment here for plaintiff. In Herring *v.* Kornegay, in equity, from Wayne; decree for an account. In Jenkins *v* Faulcon, in equity, from Halifax, demurrer sustained and bill dismissed.

By MANLY, J. In Lane *v* Lane, in equity, from New Hanover, declaring the rights of the parties. In J. Casey's case, remanding the petitioner to the custody of the officer. In Gadry's case, the same. In G. Casey's case, the same. In Cox's case, judgment affirmed—petitioner to remain in custody of the officer.

List of Casualties at Fort Fisher in the action of 24th and 25th December, 1864.

December 24—Killed—None.
Wounded—23

Private M Chapel, Co. H, 36th reg't N C T, flesh wound of thigh—slight.

Private M Hale, Co. H, 36th reg't N C T, flesh wound in shoulder—slight.

Private C Cherry, Co. F, 36th reg't N C T, wounded in both legs severely, right leg amputated.

Private Benj Merritt, Co. F, 36th N C T, wounded in left arm, amputated above elbow.

Private A W Lewis, Co. F, 36th reg't N C T, slight flesh wound in shoulder.

P A Foster, (seaman) wounded in mouth and right shoulder.

Passed Midshipman Clarence Casy, in right leg—slight.

Private Aash Regan, wounded in left hand—slight.

J F Higgins, (seamen) right leg shot off; amputated at upper third of thigh.

Sergt J H Johnson, Co F, 10th reg't N C T, contusion of right arm.

Private D J Vincent, Co F, 10th reg't N C T, slight in face.

Private R B Applewhite Co F 36th reg't N C T, very severe in right shoulder.

Private John McLauchlin, Co H, 36th N C T, slight in left thigh.

Private H Cans, Co F 10th reg't N C T, in right thigh—slight.

Sergt C M Kelly, Co. C, 36th reg't N C T, in face—slight.

Private W W Duncan, Co F, 36th N C T, contusion—slight.

Private Hamtsey, Co B 36th N C T, contusion of shoulder—slight.

Private Chas Grimsley, Co B, 36th N C T, contusion of knee.

Private D J Clark Co H, 36th N C T, slightly wounded in both legs.

Private P W Johnson, Co F, 10th N C T, contusion of hip—slight.

Lieutenant W Pridgen, Co H, 36th N C T, concussion from explosion of shell.

1st Sergt J M Benson, Co. D 36th N C T, concussion of brain and contusion of right thigh.

Private Daniel McNordon, 36th N C T, contusion of left thigh.

December 25—Killed—3. Wounded—36.

Private Archibald Campbell, Co. B, 36th reg't N C T, wound in left arm—slight.

Corpl R W Best, Co F, 10th N C T, fracture of outer table of frontal bone.

Private W P Carriker, Co C, 3d N C battalion, flesh wound in hand, thigh and leg.

Private Elias Davis, Capt McCallum's Co. Junior Reserves, killed.

Private J F Lassiter, Co C 3d battalion N C T, contusion of shoulder.

Private W T Thelps, Co. C, 31 battalion N C T, flesh wound of back.

Lieut T L Domin, of Navy, great toe of right foot broken.

Samuel Colly, seaman, wounded by splinters in back—slight.

W F Jolly, seaman, burned by bursting of gun.

Thomas Costin, (seaman) contusion of back from explosion of gun—slight.

J S Briggs, (seaman) contusion of knee—slight.

Corp W T Best, Co F, 10th N C T, comminuted fracture of left arm—severe.

Marie Provanger, (seaman,) lacerated wound in left breast.

Private A W Graves, Co C, 3d N C battalion, wound of head—severe.

Private Thomas Wilson, (seaman) flesh wound of face.

Sergt Sholer, Co C 31 N C battalion, fracture with laceration of lower jaw and wrist—severe.

Capt W C Strong, A D C to Gen Whiting, concussion of right hip—slight.

Adjt Brown, 1st N C Reserves, contusion of right hip.

Private N Vinsero, Co F, 10th regt N C T, contusion of face—slight.

Private W J Ward, Co C, 36th regt N C T, wounded in both legs, right leg amputated—since dead.

Sergt J B Jones, Co B, 40th regt N C T, contusion of face.

Private P P Chapman, Co A 1st N C battalion, flesh wound of face—slight.

Private N S Toler, Co B, 36th regt N C T, contusion of left arm.

Private G M Long, Co B, battalion Junior Reserves, slight wound in left shoulder.

Corp L H Perry, Co B 36th N C T, wound in back from fragment of shell—slight.

Edward Duffy (seaman) wound in shoulder—slight.

J C Clark, Co B, 36th regt N C T, wound in knee—slight.

Corp D P McNair, Co B, 36th regt N C T, wound in hand—slight.

Private R Everett, Co E, 36th regt N C T, contusion of both legs.

Sergt Ballentine, Co B, 36th regt N C T, concussion from shell.

T Robinson, (seaman) wound of head—slight.

Aurrelius Walden, (marine,) contusion of hip.

Private Henry Strickland, Co E, 36th regt N C T, wound in right leg—severe.

Quincy Carrigan, Co D 1st N C battalion, wounded in hand—finger amputated.

Private David Campbell, Co B, 36th regt N C T, fore arm broken.

Private J J Rawls, Co K, 10th regt N C T, wound of arm and burned with powder in face.

Private Miles Murphy, Co K, 35th regt N C T, burned with powder in face.

Private Amos H Jones, Faison's Scouts—Killed.

Private W Murphy, Co K 10th N C regt—killed.

List of Casualties

In Company 1, 40th Regiment N. C. Troops, (Artillery,) Capt. C. C Whitehurst commanding, in the battles in front of Savannah, Geo., Dec., 1864:

Wounded—Private Ingraham Smith of Sampson county, N. C in shoulder—mortally, and a prisoner.

Private Jeremiah Clapp, in head—severely, and prisoner.

Private Chas. Cummings, in hand—slightly.

C. C WHITEHURST,
Comd'g Co I, 40th N. C. T. (Artillery.)

CHARLESTON NEXT.—The Baltimore *American*, commenting on Sherman's intended movements says:

General Sherman's future movements may be easily divined. Charleston is too near and too coveted a prize to long escape his grasp. Lying at the end of a peninsula, between two rivers, General Sherman has only to place his army in front of it to insure its surrender.—We have no doubt when the time comes it will be given up as quietly as Savannah has been, and that the citizens will emulate those of Savannah in the good order and quietness with which they will submit to an irreversible fate.

TELEGRAPHIC.

REPORTS OF THE PRESS ASSOCIATION.

Entered according to act of Congress in the year 1863, by J. S. THRASHER, in the Clerk's office of the District Court of the Confederate States for the Northern District of Georgia.

From Richmond.

RICHMOND, Dec. 31.—There was heavy firing in the direction of Dutch Gap this forenoon.

Congressional proceedings to-day unimportant.

No official news from any quarter. A snow storm commenced this morning; snow still falling rapidly but melting as it reaches the ground.—The soldiers New Year's dinner will be a success.

From Petersburg.

PETERSBURG, Jan. 1.—Nothing occurred to interupt the quiet on this line for some days past. Roads in very bad order, and military movements impracticable. A Yankee picket post was surprised in front of Wilcox's division yesterday, and forty prisoners captured. Soldiers of this army are looking forward with much interest to the New Year's offering dinner by the people and are evidently much pleased at the movement.—Their appetites are sharpened by reports of good things in store for them. The citizens of Petersburg subscribed between thirty-five and forty thousand dollars to the object.

Northern News.

RICHMOND, Dec. 31—: The Baltimore American of the 28th and 29th received to night. Official dispatches from Thomas represent his army still in pursuit of Hood's disorganized forces. Cheatham abandoned his ammunition train at Pulaski. Gens. Lee and Buford both wounded. At last account Hood was at Bainbridge.

Acording to a Washington telegram, Sherman has communicated to the Secretary of War his purpose to move up Savannah river, and may capture Augusta. Admiral Wilkes has been reinstated by Lincoln. Gold 217.

Hood's Army Crossing the Tennessee.

RICHMOND, Jan. 1.—The Baltimore American of the 29th, evening edition, received by flag of truce boat bringing supplies for Yankee prisoners, has a special telegram dated Columbia, Dec. 28th, which says escaped prisoners just arrived from Florence report that the advance of Hood's army reached Florence on the 21st, and during the whole of the next day his infantry were crossing the river. Forrest's force covered the enemy's retreat.

Despatches from Fortress Monroe had been received, announcing the failure of the expedition against Wilmington, though claiming that a great deal of damage was done to Fort Fisher and the capture of a company of the enemy outside the Fort. A torpedo boat loaded with three hundred tons of powder, was exploded Saturday morning within 300 yards of Fort Fisher. Gold advanced. Opened on Monday at 223½.

From the Richmond Dispatch, Dec. 31.

The War News.

FROM SOUTHWESTERN VIRGINIA.

We have received some particulars of the capture of the salt works by the Yankee raiders. They were attacked about one o'clock on Tuesday by the whole force of Burbridge, numbering about five thousand. The fight was kept up all the evening mainly by artillery, our forces being commanded by Colonel Ro. T. Preston, and numbering, it is said, not more than three hundred and fifty. When night sat in, they still held their own; but under cover of the darkness, the Yankees succeeded in reaching Fort Breckinridge, one of the main defences of the place, in overpowering numbers, and captured it. Colonel Preston deeming it impracticable to hold the works longer, then ordered the evacuation.—He and three hundred of his men are known to have escaped safely. It was believed that some others would succeed in working their way out. The works were fired the next morning. It is believed, however, that no serious damage has been done, and that they will be in operation again in a month. The Yankees did not remain long, and are reported to have left for East Tennessee. At Saltsville, we understand they destroyed two store houses, including the court house and jail, office of the *Virginian*, and private residences, besides the railroad buildings.

FROM THE SOUTH.

Nothing of importance was received from Wilmington or the far south yesterday. Butler has withdrawn from Fort Fisher; but, as yet, his future plans have not been developed. It is thought probable he will attempt a movement directly against Wilmington.

Through the Northern papers we learn that Sherman is marching on Charleston. Before he advances far in this direction, he must fight a battle.

COLONEL MOSBY.

A private letter, received yesterday, states that Colonel John S. Mosby's wound is not mortal, the ball with which he was struck having coursed around, instead of entering, his abdomen.

From Charleston.

PUBLIC SPIRIT.—We have been assured by the highest authority that preparations for the defence and security of Charleston are being pushed vigorously forward. The utmost harmony exists between the civil and military authorities. No exertions will be spared by Governor Magrath in accomplishing this all important object. It is only necessary that our citizens exhibit a similar spirit to sustain and give him their hearty co-operation, in the great work before us, to insure the safety of our glorious old city, and give the enemy another Secessionville defeat.

The *South Carolinian* of Wednesday says: His Excellency Governor Magrath left the city yesterday morning for Charleston, to organize the militia in that locality and inspect the condition of the State troops on the coast. He will return in a few days.—*Charleston Courier.*

NEW ADVERTISEMENTS.

DESIRABLE PROPERTY FOR SALE

ON the 20th of January inst., on the premises four miles north of Durham's Depot, in Orange county, the undersigned will sell a tract of Land belonging to the late Capt Edward M. Scott, containing 118 acres, about one third of it woodland. The improvements are new and comfortable.

Terms of sale will be six months credit with bond and good security and title retained till purchase money is paid; or cash will be received.

JNO. C. McCOWN,
jan 2-16t Adm'r of E. M. Scott dec'd.

Conservative and Progress copy till day of sale and send bill to this office.

ON WEDNESDAY JANUARY, 4TH 1865.

BY TUCKER, ANDREWS, & CO.

One New 2 Horse Wagon
One New 1 Horse Wagon
One New Spring Wagon
One Good 2d Hanced Buggy & Harness
One Good Cow with first Calf.

dec 30-d2t